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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ault-Riche *et al.*

Serial No.: 09/910,120

Conf. No.: 1666

Filed: July 18, 2001

For: **COLLECTIONS OF BINDING PROTEINS  
AND TAGS AND USES THEREOF FOR  
NESTED SORTING AND HIGH  
THROUGHPUT SCREENING**

Art Unit: 1639

Examiner: Tran, M.

**ELECTION AND PRELIMINARY AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Requirement for Restriction, mailed April 8, 2003, Applicant elects for search purposes, with traverse, species where the oligonucleotide comprises a polypeptide-encoding region (*i.e.*, has formula 5'-E<sub>m</sub>-3'), where each polypeptide that binds to a capture agent is encoded by a region designated E<sub>m</sub> that is at least about 14 nucleotides. Applicant also elects capture agents that are antibodies for search purposes.

The requirement also requests identification of "the point of attachment to the capture compound." The claims are directed to a combination that contains a set of capture agents and a set of oligonucleotides. The oligonucleotides are not linked to the capture agents. The oligonucleotides encode polypeptides to which the capture agents bind, and, are used as primers for amplification of nucleic acid libraries; upon amplification a polypeptide encoding region is added to nucleic acid members of the library. Upon translation of the library members, the resulting polypeptides comprise a tag, which specifically binds to a capture agent.

Hence no point of attachment can be elected.

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Commissioner for Patents  
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Jonathan Ong

**U.S.S.N. 09/910,120**

**Ault-Riche *et al.***

**ELECTION AND PRELIMINARY AMENDMENT**

Claims 1-37 and 93-95 as well as 49-54 read on the elected species, since each encompasses combinations or uses thereof where the oligonucleotides that encode the polypeptides include a polypeptide-encoding region that binds to the capture agents, and where the capture agents are antibodies (including polypeptide-binding fragments thereof).

**Amendments to the Claims** are reflected in the listing of the claims, which begins on page 3 of this paper.

**Remarks** begin on page 9 of this paper.